

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7508

Petition of Georgia Mountain Community Wind, LLC,)
for a Certificate of Public Good, pursuant to 30 V.S.A.)
Section 248, authorizing the construction and operation)
of a 5-wind turbine electric generation facility, with)
associated electric and interconnection facilities, on)
Georgia Mountain in the Towns of Milton and Georgia,)
Vermont, to be known as the "Georgia Mountain)
Community Wind Project")

Order entered: 5/4/2009

**PREHEARING CONFERENCE MEMORANDUM, SCHEDULE FOR THE DOCKET, AND
TOWN OF GEORGIA INTERVENTION REQUEST**

On March 26, 2009, the Vermont Public Service Board ("Board") received a petition from Georgia Mountain Community Wind, LLC, ("GMCW") for a certificate of public good ("CPG"), pursuant to 30 V.S.A. § 248, to construct a wind generation facility in Milton and Georgia, Vermont.

The Board convened a prehearing conference on April 23, 2009. Appearances were entered by Kimberly Hayden, Esq., Downs Rachlin Martin, PLLC, for GMCW, James Porter, Esq., for the Vermont Department of Public Service, and Judith Dillon, Esq., for the Agency of Natural Resources. In addition, landowners and other potential intervenors were present at the prehearing conference.

Below we set forth the schedule for this docket, based on the discussion at the prehearing conference. We also provide information regarding filing material with the Board, and address participation in Board cases.

Schedule

At the prehearing conference GMCW circulated a proposed schedule for these proceedings. No party present objected to the schedule. The Board has adopted the schedule, with modifications, as set forth below.

1 st Round Discovery on Petitioner	June 1, 2009
Site visit and public hearing	June 9, 2009 ¹
Petitioners respond to 1st Round Discovery Questions	June 15, 2009
Deadline for Motions to Intervene	June 16, 2009
Responses to Motions to Intervene	One week after motion is filed
Parties file a proposed schedule for the remainder of the proceedings ²	July 6, 2009
2 nd Round Discovery on Petitioner	July 6, 2009
Petitioners respond to 1st Round Discovery Questions	July 20, 2009

The schedule allows for a round of discovery before the final deadline for motions to intervene. Potential intervenors who wish to participate in the first round of discovery should file a motion to intervene sufficiently early to allow time for responses and a Board decision prior to the first round of discovery. By way of illustration, responses to a motion to intervene filed on May 14 would be filed by May 21. A Board decision approximately one week later, on May 28, would leave the party three days to prepare discovery for the first round deadline of June 1.

Filings

For the Board's purposes, parties need to file only one copy of all discovery correspondence with the Board and an original and seven copies of all other filings. Electronic filings with the Board, in addition to the required hard copies, are also requested to the extent possible, particularly for testimony, exhibits, and briefs. An electronic filing may be submitted as an attachment to e-mail sent to psb.clerk@state.vt.us, or it may be on a CD or DVD delivered along with the paper copy. Parties need file only a single copy of the CD or DVD. Parties filing

1. The site visit will be scheduled in the afternoon and the public hearing in the early evening. Additional detail will be provided in subsequent notices.

2. If possible, the parties should agree on and jointly file the proposed schedule.

electronic versions of documents may file them in WordPerfect, Word, .rtf, or .pdf (Adobe) formats. Parties filing in .pdf format should ensure that their documents are not locked, that is, that text can be selected and copied from their documents.

Participation

Members of the public interested in these proceedings do not need to intervene as a party in order to receive information regarding these proceedings or provide input to the Board. Individuals and organizations can request that they be added to the Board's mailing list as an "interested person," in which case they would receive notices and orders that the Board issues in the case. These notices and orders issued by the Board are also posted on the Board's website (www.state.vt.us/psb).³ The public is also encouraged to submit written comments on the project electronically or via regular mail, or to attend the June 9 public hearing. While these comments do not become part of the evidentiary record (under Vermont law the Board's decision must be based upon the evidence presented by formal parties during the evidentiary hearings), public comments play an important role by raising new issues or offering perspectives that the Board should consider and ask parties to present evidence on.

If an individual, group, or organization does choose to seek more active participation than providing comments or receiving notice of the proceedings, it may file a motion to intervene in this Docket. In making such a motion, the potential intervenor must demonstrate that it has a substantial interest which may be adversely affected by the outcome of the case, and address the requirements of Board Rule 2.209. Intervenors have the same obligations, in addition to the same rights, as the other formal parties, including the requirement that parties follow the Board's procedural rules. In addition, potential intervenors should be aware that there are costs involved in being a party in a docket such as this, both as to time and money.⁴ An intervenor may provide testimony and participate in the evidentiary hearings and will be subject to the rules governing discovery and cross-examination. Individuals or groups that appear pro se (without the

3. In addition, certain of the filings, including testimony, and other information on this docket will be posted on the Board's website as well.

4. These costs include providing copies of any filings with the Board to all parties in the Docket, as required by Board rules.

assistance of counsel) have most of the same responsibilities and rights of an attorney. For further information regarding intervention, providing public comments, and becoming an "interested person," please consult the *Citizens' Guide to the Vermont Public Service Board's Section 248 Process*, available on the Board's website at www.state.vt.us/psb or available from the Board in hard copy.

Town of Georgia Intervention Request

On April 27, 2009, the Town of Georgia ("Georgia") filed an intervention request with the Vermont Public Service Board ("Board"). Georgia represents that it has consulted with the parties to this Docket, Georgia Mountain Community Wind, LLC, the Vermont Department of Public Service, and the Agency of Natural Resources, and no party has an objection to the request.

A portion of the proposed project is located in Georgia; we grant permissive intervention to Georgia pursuant to Board Rule 2.209(B). However, we require Georgia to file a statement specifying its interests in this proceeding by May 15, 2009.

SO ORDERED.

Dated at Montpelier, Vermont, this 4th day of May, 2009.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: May 4, 2009

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)